

ZB# 06-17

Robert Mazurek

71-2-18

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

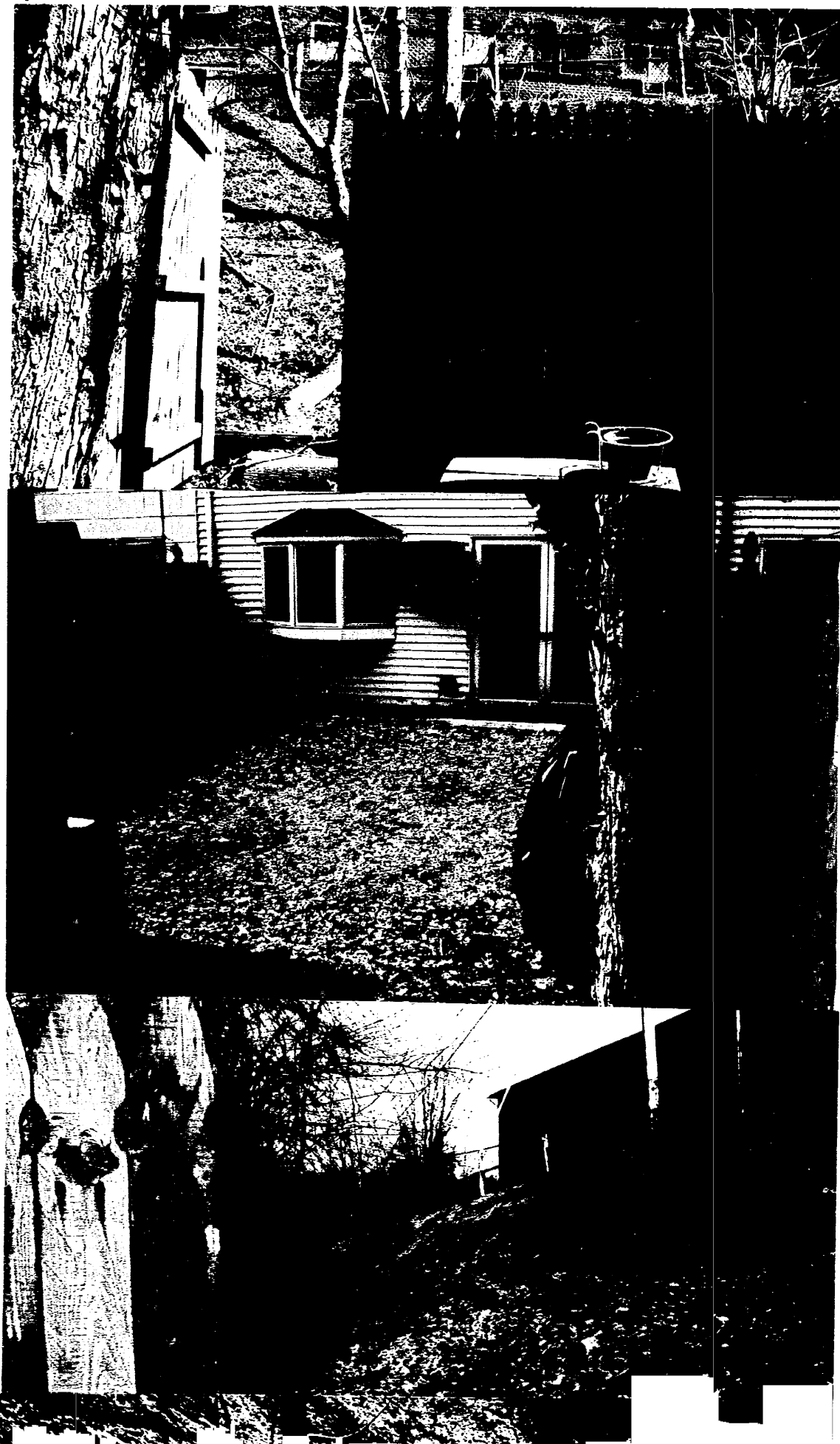
Decision 5-8-06

06-17

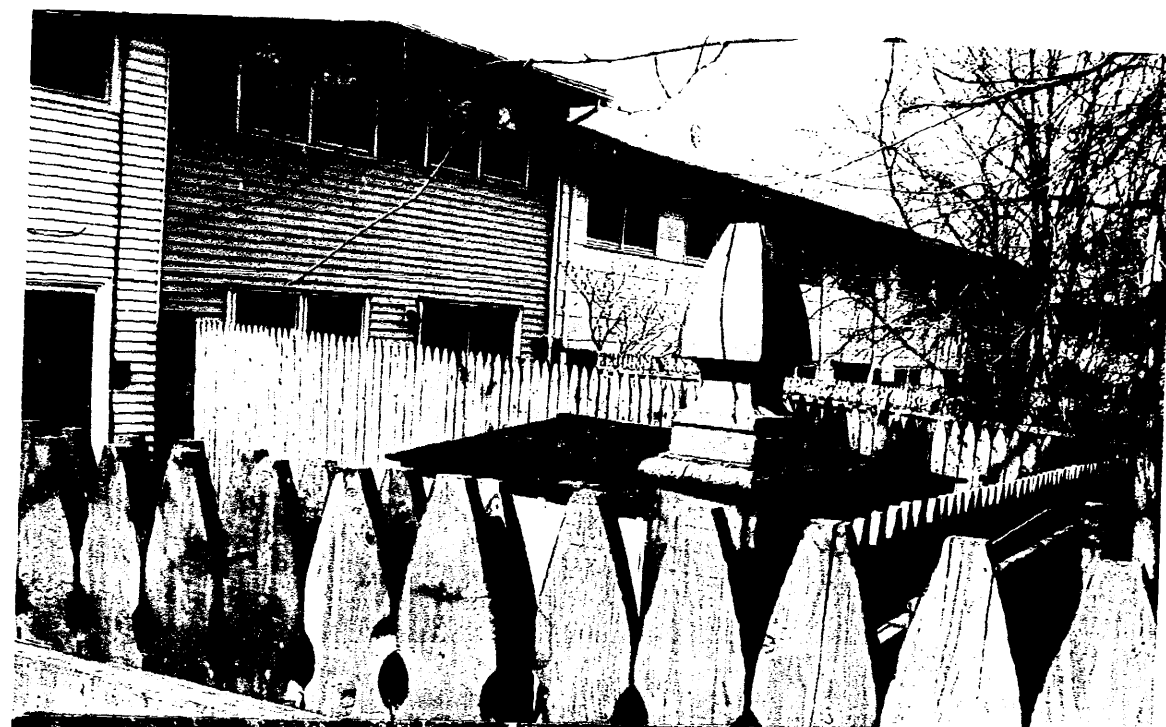
ROBERT MAZUREK (AREA) 71-2-18
118 VAILS GATE HTS. DR.

25th

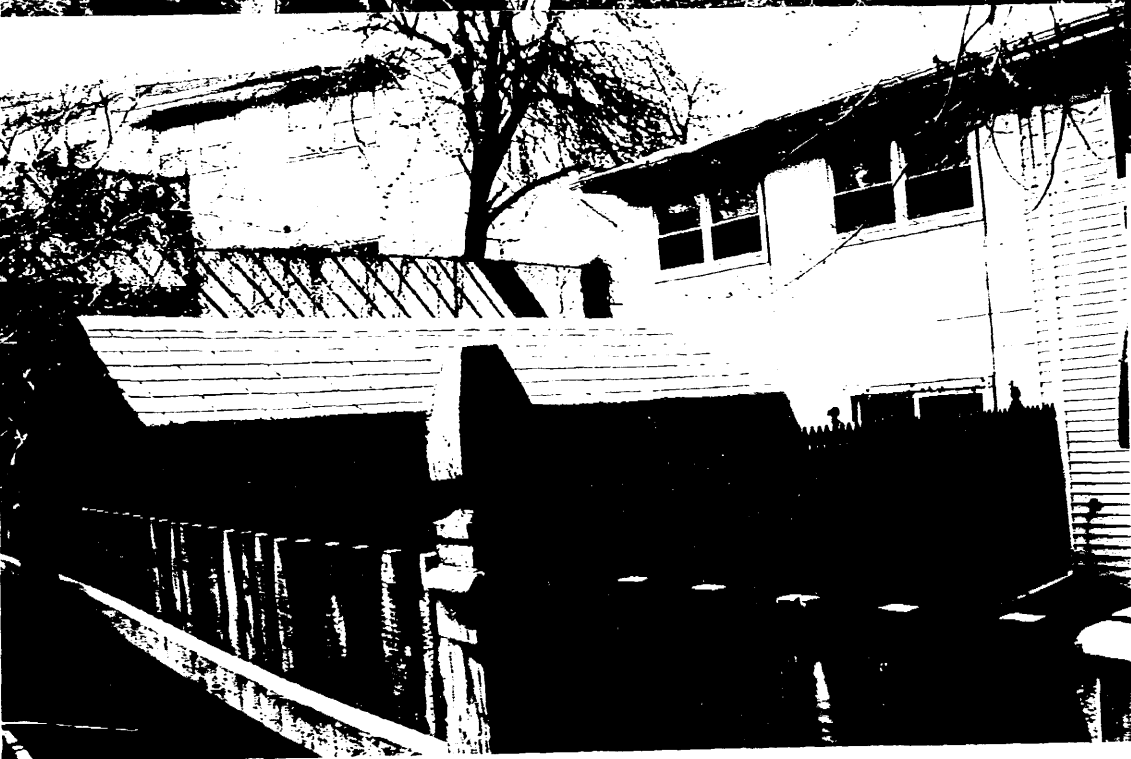
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ROBERT MAZUREK (AKA) / 11-2-19
118 VAILS GATE HTS. DR.



118 VAILS GATE HTS. DR.

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 71-2-18

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ROBERT MAZUREK

AREA

CASE #06-17

WHEREAS, Robert Mazurek, owner(s) of 118 Vails Gate Heights Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 98 ft. Rear Yard Setback and; 132 sq. ft. Developmental Coverage for proposed deck in an R-5 Zone (71-2-18)

WHEREAS, a public hearing was held on May 8, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-5 zone.
 - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.

- (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage
- (e) With the deck, the house will be similar in size and nature to other houses in the neighborhood .
- (f) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probable fall and sustain serious physical injury if the deck were not in place.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

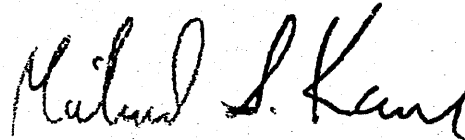
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 98 ft. Rear Yard Setback and; 132 sq. ft. Developmental Coverage for proposed deck at 118 Vails Gate Hts Dr. in an R-5 Zone (71-2-18) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 8, 2006

A handwritten signature in black ink, appearing to read "Michael S. Kuntz", is written above a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 3/27/06

**APPLICANT: Robert & Linda Mazurek
118 Vails Gate Heights Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/27/06

FOR : Proposed deck 19FT.X28FT.

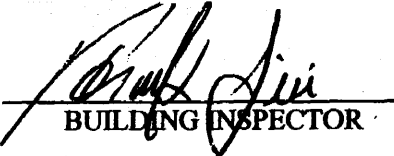
LOCATED AT: 118 Vails Gate Heights Drive

ZONE: R-5 Sec/Blk/ Lot: 71-2-18

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Rear yard set-back is 100 ft. in an R-5 zone. The proposed deck is 2ft from the rear property line. A variance of 98ft is requested.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: **R-5** USE: **Townhouse**

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:	100ft	2ft	98ft
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REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:	L-7	1300 Sq.Ft.	1432 Sq.Ft.	132 Sq.Ft.
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cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection taken.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

MAR 27 2006



AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ROBERT AND LINDA MAZUREK

Address 118 VAILS GATE HTS. DRIVE Phone # 565-8972

Mailing Address 118 VAILS GATE HTS. DRIVE Fax # 565-8972

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N X

3. Tax Map Description: Section 2172 Block B Lot 29 71-2-18

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other (DECK)

6. Is this a corner lot? NO DECK 19 FT X 28 FT - PER APP. 4-10-06

7. Dimensions of entire new construction. Front _____ Rear 20 X 30 Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant Gas _____ Oil _____
Electricity at Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$30.00

Ch# 1956

ZONING BOARD

1 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krysheer
New Windsor Town Hall
666 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4655 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or roads, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used on installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Robert A. Magurek
(Signature of Applicant)

118 Vails Gate Hts Drive New Windsor
(Address of Applicant)

Robert A. Magurek
(Owner's Signature)

118 Vails Gate Hts Drive New Windsor
(Owner's Address)

PLOT PLAN

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

SEE ATTACHED DRAWINGS

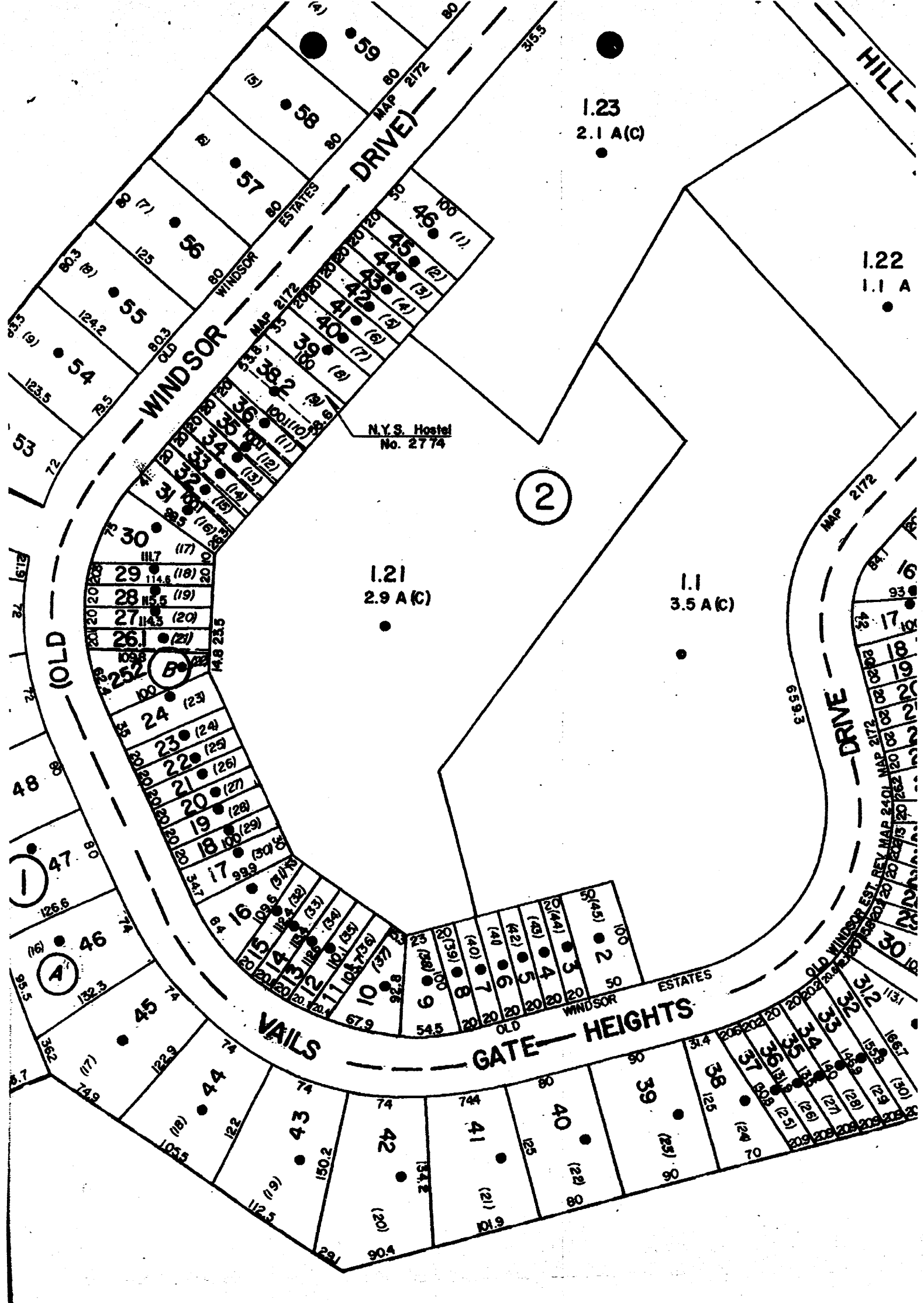
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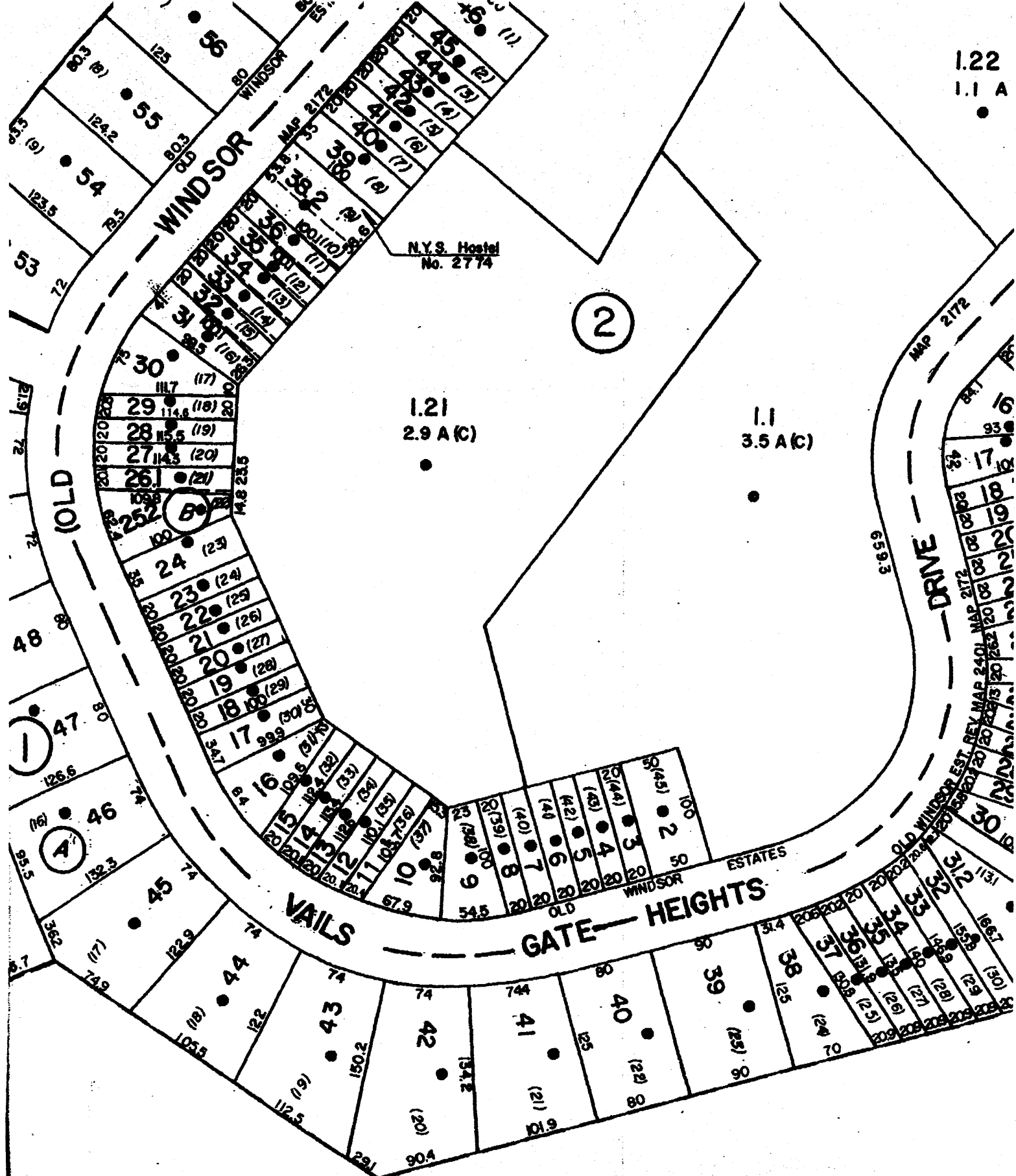
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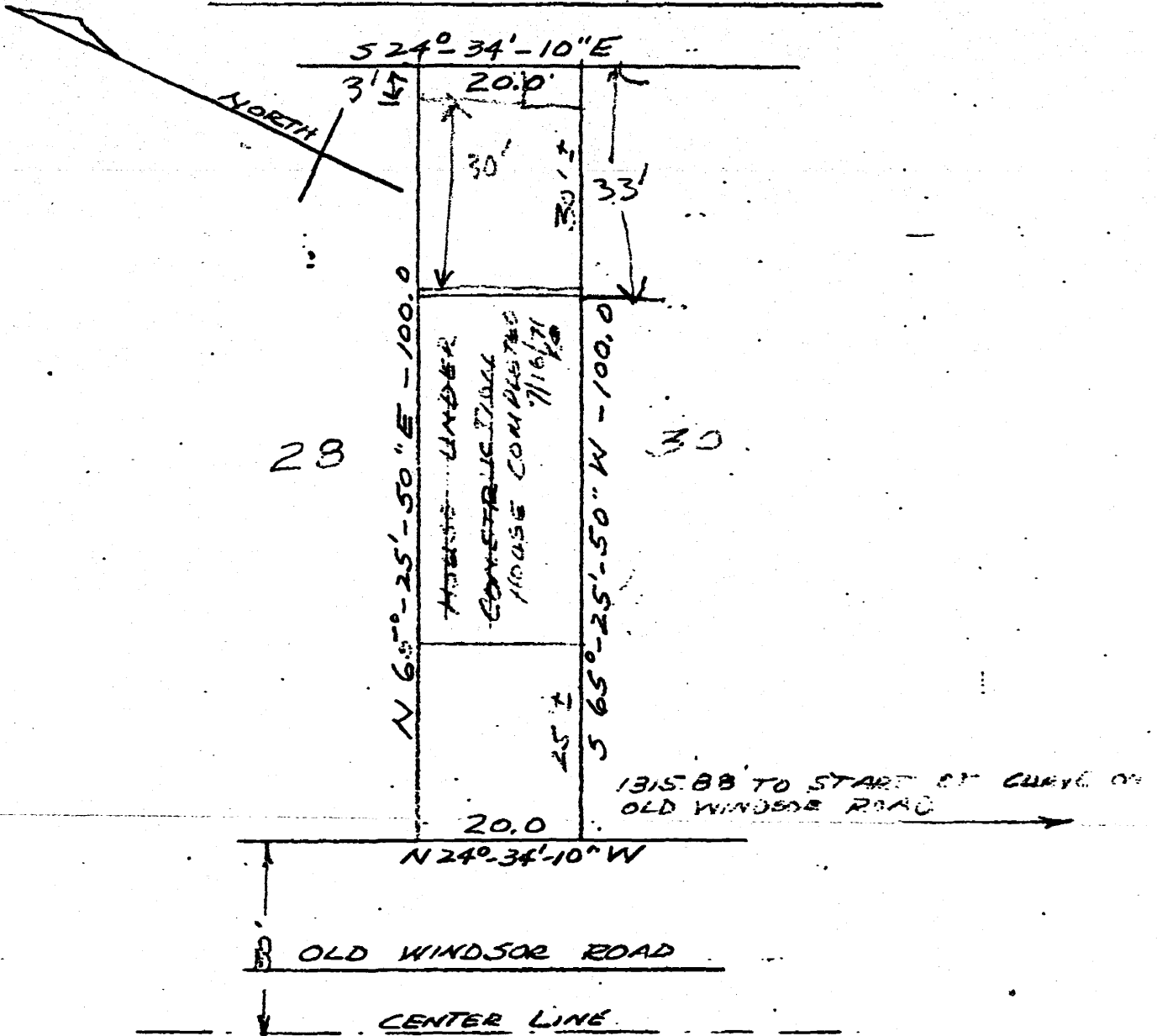
PLEASE ATTACH THIS TO THE DAY TO PROCEED
APPLICANT
FORWARD FOR ALL REQUIRED INFORMATION OF COMMISSION





1.22
1.1 A

LANDS OF OLD WINDSOR EST.



PLOT PLAN

BLOCK B LOT 29

OLD WINDSOR ESTATES

TOWN NEW WINDSOR ORANGE CO. N.Y.

SCALE - 1" = 20'

DECEMBER 10, 1970

REVISED 7/16/71

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 25, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 155.10 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-17

NAME & ADDRESS:

**Robert Mazurek
118 Vails Gate Hts. Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.07-25-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-17 TYPE:AREA TELEPHONE: 565-8972

APPLICANT:

Robert Mazurek
118 Vails Gate Hts. Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1957</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1958



<u>DISBURSEMENTS:</u>		MINUTES \$7.00 / PAGE	ATTORNEY FEE
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PRELIMINARY:	<u>7</u>	PAGES	\$ <u>49.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u>	PAGES	\$ <u>14.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:04-25 \$ 11.90

TOTAL: \$ 74.90 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 144.90

AMOUNT DUE: \$ _____

REFUND DUE: \$ 155.10

Cc:

L.R. 07-25-06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
5/11/2006	7665

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

RECEIVED

MAY 24 2006

P.O. No.	Terms	Project
44621	Due on receipt	

Issue Date	Description	PCS/Units	Amount
4/25/2006	LEGAL ADS: PUBLIC HEARING NOTICE FOR MAZUREK 1 AFFIDAVIT	7.90 4.00	7.90 4.00
Total			\$11.90

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218

State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The

Supervisor of Legal Dept. of the E.W. Smith

Publishing Company; Inc. Publisher of The

Sentinel, a weekly newspaper published and

of general circulation in the Town of New

Windsor, Town of Newburgh and City of

Newburgh and that the notice of which the

annexed is a true copy was published 1X

in said newspaper, commencing on

the 25 day of April A.D., 2006

and ending on the 25 day of April

A.D. 2006

Patricia Quill

Subscribed and shown to before me

this 22nd day of May, 2006

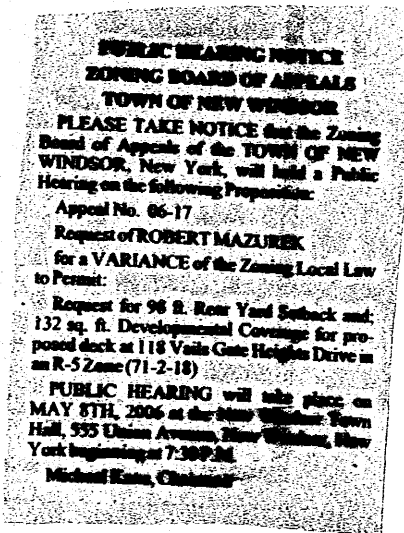
Deborah Green

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4004065
Commission Expires July 15, 2007

My commission expires _____



Town of New Windsor

Town Hall

555 Union Ave.

New Windsor, NY 12553

TEL: (845) 563-4624 / FAX: (845) 563-4693

PURCHASE ORDER

26957

SENTIN

DATE	1/9/02
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

SIGN & RETURN TO ADDRESS ABOVE

THE SENTINEL
PO BOX 406

VAILS GATE, NY 12584

Town Clerk
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
Attn: D. Green

SPECIAL INSTRUCTIONS

DG

ITEM DESCRIPTION		AMOUNT	
1	LEGAL AD JAN 16, 2002 ASD 1010 101020 1 1361 <i>Public Hearing Mazurek Affidavit</i>	1	50.00
			50.00
		1	1355
			7.90
			4.00
			<i>\$ 0.00</i>
			<i>17.90</i>

NO ORDER VALID UNLESS SIGNED BELOW

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered, said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

COMPTROLLER

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of the claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VENDOR - SIGN AT X AND RETURN WITH INVOICE

May 8, 2006

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PUBLIC HEARINGS:

ROBERT MAZUREK (06-17)

MR. KANE: Request for 98 ft. rear yard setback and 132 sq. ft. developmental coverage for proposed deck at 118 Vails Gate Heights Drive in an R-5 zone.

Mr. and Mrs. Robert Mazurek appeared before the board for this proposal.

MR. KANE: Hi, just like in the preliminary do you want to just tell us what you're doing?

MR. MAZUREK: We're just putting a deck, it's going to be on the ground, it's 6, 8 inches above the ground, it's going to cover most of the back yard, basically that's it, it's not attached to the house, it's wood.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. MAZUREK: No.

MR. KANE: Creating any water hazards?

MR. MAZUREK: No.

MR. KANE: Any easements running through the area that you want to build the deck?

MR. MAZUREK: No, no.

MR. KANE: Is the property behind the wooden fence that goes up to the metal fence is that your property too?

MR. MAZUREK: No.

MR. KANE: The deck itself is going to be similar in size and nature to other decks in your neighborhood?

May 8, 2006

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MR. MAZUREK: There's not many decks in the neighborhood.

MR. KANE: But you don't consider it overly big?

MR. MAZUREK: No, it's a small yard, it's just we can't grow grass so we might as well put wood back there.

MR. KANE: Any other questions? I will ask if there's anybody in the audience for this particular hearing. No? So we'll open and close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: On April 19, I mailed out 68 envelopes, had no response.

MR. KANE: Nobody cares.

MR. MAZUREK: Exactly.

MR. KANE: Okay, I will bring it back to the board and ask if anybody has any further comments or questions? I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that the application by Mr. Robert Mazurek, request for 98 foot rear yard setback and 132 square foot development coverage for proposed deck at 118 Vails Gate Heights Drive in an R-5 zone, section 71-2-18 be approved.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

April 10, 2006

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PRELIMINARY MEETINGS:

ROBERT MAZUREK (06-17)

MR. KANE: First preliminary meeting Robert Mazurek. Request for 98 ft. rear yard setback for proposed deck at 118 Vails Gate Heights Drive.

Mr. and Mrs. Mazurek appeared before the board for this proposal.

MR. KANE: This is a preliminary meeting. The way New Windsor does it is we hold two meetings, we hold a preliminary meeting so we can get an idea of what you want to do and tell you what we need to help you accomplish that. Some towns walk in cold, you don't have the right information, you lose. So this way we do the preliminary, tell us what you want to do and speak loud enough for this young lady over here to hear you.

MR. MAZUREK: We're building a deck that's about six to eight inches above the ground, it's within the fence of our yard, we're in a townhouse so our property line goes back to the rear of the fence and from what I understand it's 100 yards, 100 foot variance building restriction.

MS. MASON: Setback.

MR. MAZUREK: Yes, which would put it out the front of my front yard and put it into the garden apartments as well.

MR. KANE: How big is your fence in the back area?

MR. MAZUREK: It's 20 feet by 30 feet.

MR. KANE: How big is the deck that you want to build?

April 10, 2006

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MR. MAZUREK: It's about, it's 18 feet by 28 feet.

MR. LUNDSTROM: Twenty-eight feet wide?

MR. MAZUREK: No, 18 feet wide.

MRS. MAZUREK: Nineteen feet wide and 28 feet go back basically most of the yard.

MR. MAZUREK: Again, it's only six to eight inches above the ground, it's really ground level.

MR. KANE: So the property behind the fencing is your property too?

MR. MAZUREK: Well, if you look to the, no, right over there is the end of the property line, see that like little wall there that retaining wall that's the end of the property.

MR. KANE: Hey Mike, how do we have a 98 foot setback when he's got a 20 foot rear yard?

MR. BABCOCK: What happened is that these are townhouses and the property lines go right through the buildings and the setbacks are required for condos, townhouses, the whole thing in today's world it's 100 foot, the rear yard is 100 feet.

MR. KANE: No matter what the reality is?

MR. BABCOCK: Right.

MR. MAZUREK: Now, is it 100 feet both ways like the retaining walls, the property line is it 100 feet up to the garden apartments as well as because the houses, the townhouses they were there first so the property line I would assume 100 feet going up.

MR. BABCOCK: Well, that's today's requirement, if

April 10, 2006

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these were built today you would need 100 foot back there, that's what the thing is so--

MR. KANE: To build?

MR. BABCOCK: Yes.

MS. GANN: You're keeping the shed that's in the pictures as well?

MRS. MAZUREK: Yes.

MS. GANN: How close would the deck be to the shed?

MRS. MAZUREK: Right by the shed.

MR. MAZUREK: It would be built around the shed.

MR. KANE: We're only talking six inches off the ground.

MR. LUNDSTROM: If I understand correctly, you're saying you have a 30 foot depth in your back yard and you're planning on putting a deck 28 feet so you'd only have two feet off of exposed ground beyond that and the end of your property?

MR. MAZUREK: Right.

MR. LUNDSTROM: Any other townhouses in your area that have something similar or built a deck behind their house?

MR. MAZUREK: Some people have decks but I don't know if they went with the route of permits on things like that but I know there are some houses with decks.

MS. LOCEY: Your property is enclosed?

MR. MAZUREK: Yes.

April 10, 2006

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MRS. MAZUREK: Yes.

MR. MAZUREK: If you look at the picture you can see the fence going around.

MR. KANE: Mike, how would that be with the developmental coverage, he didn't write that up? I think they would have to see developmental coverage.

MR. BABCOCK: I'll check that.

MR. KANE: We're going to check because you're only allowed to develop so much of your property too so we're going to check on the developmental coverage in that area because looking at your property right here if you're going to cover most of this with a deck that means most of the property then you have the house on it, you have a paved driveway, your developmental coverage percentage becomes large so what we need to do is add that into this.

MR. MAZUREK: I'm sorry, I didn't understand what you said.

MR. KANE: Here's a drawing, you have a piece of property, you're only allowed to develop say 20 percent of the property, your house takes up X amount of space, paved driveway takes up X amount of space, okay, and now you're starting to push that 20 line, if this is all fenced in and you're going to deck that whole thing in, we've got to know what percentage of everything is developed just to cover for you guys, but we need to have that in the public for the public hearing.

MR. MAZUREK: Is that true for townhouses?

MR. KANE: True for everything as far as I know.

MR. BABCOCK: I don't know, I'll check it and if we

need it we'll write it up.

MR. KANE: We're trying to cover every base so nothing gets skipped, I'm not trying to make it more difficult but if we do see something we want to make sure it's cleared up.

MR. BABCOCK: On your application, Bob, you've got 20 x 30 deck?

MR. MAZUREK: Yeah, basically when we measured it the fence takes up about six inches on each side so I have the back 19.

MR. BABCOCK: So it's 19 x 28?

MR. MAZUREK: Twenty-eight, yeah.

MR. LUNDSTROM: Just one question, did you look at the option of putting blocks or paving blocks down on the ground and if so would that fall under this jurisdiction or would that be an alternative?

MR. KANE: As far as I know, I don't think that he would need any kind of permit to put down pavers but since it's a space of property that doesn't allow water to permeate through it, it could be still under developmental coverage to do something like that where that may, if you go to sell or refinance a bank may come in and see that and you'll be back to square one. We need to check on the developmental coverage which will help answer that question. If it's not part of it then he doesn't need to be here at all to do something like that, okay, per se, I don't personally have a problem with the deck, I believe in using the property and also as far as developmental coverage the way I see that is the deck is going to allow any moisture or rain to go through and you're still going to have the ground underneath it to allow the water to drain through so to me that covers that but that's one vote out of five so

April 10, 2006

7

for the public hearing we're going to find out about developmental coverage.

MR. BABCOCK: Yes.

MR. KANE: Doublecheck the back property line, step back that 100 foot setback.

MR. BABCOCK: Yes.

MR. KANE: Anybody else have any other questions?

MS. LOCEY: I just wondered if you have a homeowners' association?

MR. MAZUREK: We did, we had one but it's not the type of homeowners' association that like a condo, it's like they're individual houses, you own the property underneath the house so it's not a condo.

MR. KANE: Just wanted to make sure.

MR. TORPEY: Like a townhouse.

MR. MAZUREK: It's a townhouse.

MR. KANE: Other questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Robert Mazurek for a public hearing for his request for 90 foot rear yard setback for proposed deck at 118 Vails Gate Heights Drive in an R-5 zone with also checking into the developmental coverage.

MR. LUNDSTROM: I'll second that motion, Mr. Chairman.

MS. LOCEY: Point of order, I believe it's a 98 foot variance.

MR. KANE: You said 100, it's 98.

April 10, 2006

8

MS. GANN: Thank you.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: May 8, 2006

PROJECT: Robt. Mazurek

ZBA # 06-17

P.B.#

USE VARIANCE: NEED: EAF _____ PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) Lu S) Lo VOTE: A 5 N 0.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

CARRIED: Y ✓ N .

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

COUNTY OF ORANGE: STATE OF NEW YORK

-X

In the Matter of the Application for Variance of

ROBERT MAZUREK

AFFIDAVIT OF SERVICE BY MAIL

SERVICE

BY MAIL

#06-17

X

STATE OF NEW YORK)

1) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.


That on the 19TH day of **APRIL, 2006**, I compared the **68** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

Myra L. Mason, Secretary

2nd day of May, 2006


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

Notary Public, State Of New York

No. 01ME6050024

Qualified In Orange County

Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

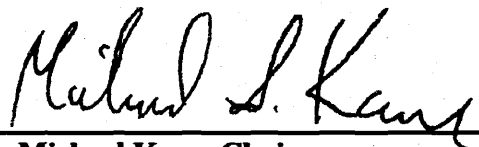
Appeal No. 06-17

Request of ROBERT MAZUREK

for a VARIANCE of the Zoning Local Law to Permit:

Request for 98 ft. Rear Yard Setback and; 132 sq. ft. Developmental Coverage for proposed deck at 118 Vails Gate Heights Drive in an R-5 Zone (71-2-18)

PUBLIC HEARING will take place on MAY 8TH, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

April 6, 2006

Robert Mazurek
118 Vails Gate Heights Drive
New Windsor, NY 12553

Re: 71-2-18 ZBA#: 06-17 (68)

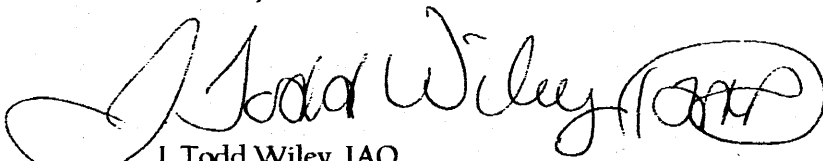
Dear Mr. Mazurek:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,



J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

65-2-12.1

WVR Real Estate II, LLC
4 Coates Drive – Suite 1
Goshen, NY 10924

71-1-33

James Kulcullen
632 South 8th Street
New Hyde Park, NY 11040

71-1-36

Alberto 7 Mary Zerner
79 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-39

Regina Mitchell
85 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-42

Ingrid Anderson
91 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-45

Joseph Richman
97 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-48

Germain & Maria Quijano
103 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-53

Samuel & Norma Wilson
111 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-56

John & Linda Canna
117 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-2

Lorayne & Edwin Wolff, Jr.
80 Vails Gate Heights Drive
New Windsor, NY 12553

65-2-41

Iracema Castro
P.O. Box 496
Vails Gate, NY 12584

71-1-34

Salvatore & Concetta Petrolese
75 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-37

Josika Gojka & Adrian Bit
225 Lakeside Road
Newburgh, NY 12550

71-1-40

Kewal Singh
87 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-43

Elizabeth McMahon
Marjorie Windheim
93 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-46

Glen & Ann Marie McGinnis
99 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-49

Vincent Kayes
105 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-54

Profirio & Sandra Toro
113 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-64

Dominick & Lucille Parisi
53 Hy Vue Drive
Newburgh, NY 12550

71-2-3

Robert & Harriet Klein
82 Vails Gate Heights Drive
New Windsor, NY 12553

65-2-42

Arthur Stockdale
1098 Egret Lake Way
Viera, FL 32940

71-1-35

Carmine Luongo
77 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-38

Thomas Lewis & Claudia Rudin
P.O. Box 4253
New Windsor, NY 12553

71-1-41

Jean & Marie Baptiste
89 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-44

Earnest & Ruth Banks
95 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-47

Dawn & Kevin Wanamaker
101 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-50 & 51

Josika Gojka
225 Lakeside Road
Newburgh, NY 12550

71-1-55

Stephen & Lucia Montone
115 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-1.1, 1.21 & 1.23

New Windsor Properties, LLC
c/o Peck & Heller
545 Madison Avenue – 11th Floor
New York, NY 10022

71-2-4

Hector & Carol Kercado
84 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-5
John Maresca
86 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-8
Bernard Dolan
92 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-11
Susan & David Hurd
102 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-14
Domenica Contant
108 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-17
Carlos & Julia Martinez
116 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-21
Lynne McGarry
124 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-24
Edward & Anne Lamb
130 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-27
James & Shirley Casey
138 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-30
Oscar & Satinder Andrade
148 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-33
Pat & Patricia Dursi
154 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-6
Marisa Colson
88 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-9
Nuncio & Mirian Diaz
96 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-12 & 36
Abraham Adams
78 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-15
Thomas & Billie Mae Napolitano
110 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-19
Kenneth & Debra Davis
120 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-22
Jehak & Aekyung Chung
126 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-25.2
Trevor Ekeh
134 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-28
Leonard & Margaret Benedetto
P.O. Box 4160
New Windsor, NY 12553

71-2-31
Richard & Rosemary Forneris
150 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-34
Linda Perkins
156 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-7
Scott & Nicole Erskine
90 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-10
Willie Kimbrough, Jr.
100 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-13
Juan Ortiz, Jr.
106 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-16
Leon Saunders
114 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-20
John & Luz Mahoney
122 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-23
Amrik Singh
Kaur Baljinder
73 Garden Street
Hyde Park, NY 12538

71-2-26.1
Paul Nedorost
Zorihelga Mercado
136 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-29
Adeline Gracey
4532 Butler Street
Fort Meade, MD 20755

71-2-32
Gregory Stegura
152 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-35
Josika & Ana Gojka
225 Lakeside Road
Newburgh, NY 12550

71-2-38.2*

NYS Land Claims / C. Campbell
Alfred E Smith Bldg
5th Floor
Albany, NY 12236

71-2-41

Paul Silka
170 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-44

Jack & Audrey Moyer
176 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-39

Antonio & Merida Rotela
166 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-42

Andrew Pinder
Brigitte Miller
172 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-45

Charles Straub, Sr.
Heather Hawxhurst
178 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-40

Anita White
168 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-43

John & Jeannine Lofaro
174 Vails Gate Heights Drive
New Windsor, NY 12553

CHECKED BY MYRA: OK 4/20/20

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 03-30-06 PROJECT NUMBER: ZBA# 06-17 P.B. # _____

APPLICANT NAME: ROBERT MAZUREK

PERSON TO NOTIFY TO PICK UP LIST:

Robert Mazurek
118 Vails Gate Hts. Drive
New Windsor, NY 12553

TELEPHONE: 565-8972

TAX MAP NUMBER: SEC. 71 BLOCK 2 LOT 18
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 118 VAILS GATE HTS. DRIVE
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1959

TOTAL CHARGES: _____



RESULTS OF Z.B.A. MEETING OF: April 18 2006

PROJECT: Robert Mazurek ZBA # 06-17
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) G S) L VOTE: A 5 N 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y ✓ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

Check Dev. Coverage before Public Hearing (Mike B. to check)

Deck is 19' x 28'

Check back Prop line 100' - Mike B.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-29-2006

FOR: ESCROW 06-17

FROM:
Robert Mazurek
118 Vails Gate Hts. Drive
New Windsor, NY 12553

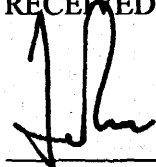
CHECK FROM:
SAME

CHECK NUMBER: 1958

TELEPHONE: 565-8972

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

3/30/06
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA 06-17 Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#270-2006

03/30/2006

Mazurek, Linda & Robert

Received \$ 50.00 for Zoning Board Fees, on 03/30/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

March 30, 2006

Robert Mazurek
118 Vails Gate Hts. Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-17

Dear Mr. Mazurek:

This letter is to inform you that you have been placed on the April 10th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

118 Vails Gate Hts. Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

3/28/06
Date

Application Type: Use Variance ☒ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 565-8972
Fax Number: (845) 565-8972
ROBERT MAZUREK
(Name)
118 VAILS GATE HTS. DRIVE
(Address)

II. Applicant:

Phone Number: (845) 565-8972
Fax Number: (845) 565-8972
ROBERT MAZUREK
(Name)
118 VAILS GATE HTS DRIVE
(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()
Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()

(Name)

(Address)

V. Property Information:

Zone: R-5 Property Address in Question:
Lot Size: Tax Map Number: Section 71 Block 2 Lot 18
a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 1970
d. Has property been subdivided previously? NO If so, When:
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.		<i>Rm</i>	<i>Rm</i>
Reqd. Rear Yd.	<i>100'</i>	<i>3 2 ft</i>	<i>98 ft</i>
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

WE WANT TO build A DECK THAT
WILL BE SIX TO EIGHT INCHES OF THE GROUND. WE ARE
DOING IT SO THAT WE CAN UTILIZE IT DURING THE
SUMMER. IT WILL BE BEHIND AND BELOW MY FENCE
LINE. Nobody WILL EVEN IT WILL NOT AFFECT
ANYONE AND ONLY MY NEIGHBORS ON EITHER
SIDE OF MY house WILL KNOW THAT IT IS
THERE

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

28th day of March 2006.

Robert A. Mazurek
Owner's Signature (Notarized)

ROBERT A. MAZUREK
Owner's Name (Please Print)

Deborah Green
Signature and Stamp of Notary

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
9864066
Commission Expires July 15, 2007

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR ROBERT MAZUREK	2. PROJECT NAME DECK
3. PROJECT LOCATION: Municipality NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 118 VAILS GATE #13 DRIVE	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: DECK 20X30 6 to 8 inches above ground	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly _____	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: PRIVATE HOME	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals BUILDING INSPECTOR	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval _____	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: ROBERT A. MAZUREK	Date: 3/28/06
Signature: Robert A. Mazurek	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality; surface or groundwater quality or quantity; noise levels; existing traffic patterns; solid waste production or disposal; potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="text-align: center; font-size: 1.5em;">NO</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (if different from responsible officer)</p>
<p>_____ Date</p>	



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.